

**BERGESON, LLP**  
ATTORNEYS AT LAW  
303 ALMADEN BOULEVARD, SUITE 500  
SAN JOSE, CALIFORNIA 95110  
TELEPHONE (408) 291-6200  
FACSIMILE (408) 297-6000  
WWW.BE-LAW.COM

December 12, 2007

**Via Facsimile and U.S. Mail**

Andrew John Fossum, Esq.  
Michael Woodrow De Vries, Esq.  
Latham & Watkins LLP  
650 Town Center Drive, Suite 2000  
Costa Mesa, CA 92626-1925

Q. Huy Doan Do, Esq.  
DLC Law Group  
222 Kearny Street, 7<sup>th</sup> Floor  
San Francisco, CA 94108

Christopher Hays, Esq.  
Law Offices of Christopher Hays  
One Embarcadero Center, Suite 500  
San Francisco, CA 94111

**Re: Sinhdarella, Inc. v. Vu, et al.**  
**United States District Court Case No.: C 07-04353 WHA**

Dear Counsel:

As you know, I have been appointed by the United States District Court to serve as the mediator in this case under the court's Mediation program. Please be sure to review carefully ADR L.R.6 which governs the Mediation program. My resume can be obtained from our website at [www.be-law.com](http://www.be-law.com).

Pursuant to ADR L.R.6-6, I will conduct a phone conference with all counsel before the formal mediation to discuss the following:

- X the procedures to be followed;
- X the nature of the case;
- X appropriate dates for the mediation and anticipated length of the session;
- X the parties who will be present at the session;
- X ideas to improve the effectiveness of the mediation session or matters that could pose impediments;
- X requirements for your written mediation statements; and
- X any questions you might have about the mediation program.

I anticipate that the telephone conference will last approximately one-half hour. I suggest that the telephone conference take place on Thursday, December 20, 2007 at 10:00 am. Please inform me in writing by facsimile if this date is acceptable to you.

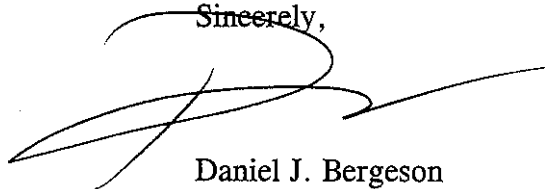
Counsel  
December 12, 2007  
Page 2

Before the telephone conference, please ascertain from your clients (and any insurers) a selection of dates upon which the mediation may be conducted. The ADR Unit has informed me that the final date that the mediation can be held is February 27, 2008.

My conflicts check revealed no actual or potential conflicts of interest under 28 U.S.C. §455(a) and (b).

I look forward to assisting you on this case.

Sincerely,

A handwritten signature in black ink, appearing to be 'Daniel J. Bergeson', written over the word 'Sincerely,'.

Daniel J. Bergeson

DJB:sw

cc: Alice M. Fiel, ADR Case Administrator